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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,504	09/22/2004	David McKimson	04992 (LC 0170 PUS)	5503
36014	7590	12/20/2007	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			SPISICH, GEORGE D	
			ART UNIT	PAPER NUMBER
			3616	
			MAIL DATE	DELIVERY MODE
			12/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/711,504

Applicant(s)

MCKIMSON, DAVID

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,7,10-12,15,17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17,19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,10,12,15 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,4,6,7,10,12-15 and 21-23 rejected under 35 U.S.C. 102(e) as being anticipated by Schneider et al. (USPN 6,808,198).

Schneider et al. discloses a guiding pillar trim (113,110) for a side curtain airbag system (as this is a "curtain" airbag and mounted on the side of the vehicle) of a vehicle comprising a panel (113) for covering a vehicle body structure and a guide member (110) coupled to the panel and being movable between a first trim configuration and a second ramp configuration. The terms "ramp" and "guiding" are broad terms that are met by the arrangement of Schneider et al. The guide member being rotatable from a first trim configuration "forming a portion" of the panel member to a second ramp configuration. The guide member in the second portion being supported by the panel member and forming a ramp configuration directing the deployment of an airbag in a predetermined direction.

The guide member includes a releasable anchor (portion which engages 118b) extending therefrom. In cross sectional view (as shown in Figure 3), the guide member

has at least one aperture formed therein. The panel has at least one releasable anchor (118b) for inserting into the aperture of the guiding portion and securing the guide portion in the trim configuration.

The guide member includes a "tether portion" (near 112) that extends therefrom for attaching to the panel and securing the guide member in the ramp configuration. The panel has a hole for receiving the tether member (the hole receives 114a with operatively receives the tether member).

The guide member in the ramp configuration directs deployment of the "side curtain" airbag generally away from the seat belt configuration.

The panel has a "deflecting" surface and the guide member has a "routing" surface and the surfaces are "generally aligned" (since this term is broad) in the ramp configuration.

The arrangement of Schneider et al. would have the "cosmetic surface" of the guide member and the "inboard surface" of the panel "generally aligned" as Examiner best understands the broad limitations of claim 14.

The guide member has a load receiving portion for receiving a load from the "side curtain airbag" and moving the member to the ramp configuration.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. (USPN 6,808,198).

Schneider et al. has been discussed in the prior rejection. However, the arrangement of Schneider et al. (Figure 3) shows the panel have an extension for engaging a release anchor having an aperture of the guide member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse the connection members, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

The reversal would provide an aperture (in cross section) in the panel for receiving a releasable anchor extending from the guide member.

Allowable Subject Matter

Claims 17, 19 and 20 are allowed.

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed October 9, 2007 have been fully considered but they are not persuasive.

With respect to Applicant's arguments that Schneider et al. does not disclose a guiding member being supported by the panel member after the guide member is rotated, Examiner disagrees and maintains the rejection. The term "supported" merely means that a device supports. While the support being in an "overlapping" manner may not be the same, Schneider et al. clearly shows that the panel member supports the guide member since these members remain connected on one side.

With respect to Applicant's argument that the guiding member of Schneider does not precisely direct the deployment of the airbag, Examiner disagrees and maintains the rejection. The term "directing deployment" is so broad such that any member that allows for deployment would be considered to direct deployment.

With respect to Applicant's argument that the structure of Schneider et al. does not disclose a "ramp" configuration, Examiner disagrees and maintains the rejection. The term "ramp" absent any particular structure does not define of the structure shown in Schneider et al.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Application/Control Number:
10/711,504
Art Unit: 3616

Page 6

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich
December 13, 2007




PAUL N. DICKSON
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